

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

CHARLES A. WILLIS,)
)
Plaintiff,)
)
v.) CV421-251
)
)
SHERIFF, and)
SOUTHERN MEDICAL CORP,)
)
Defendants.)

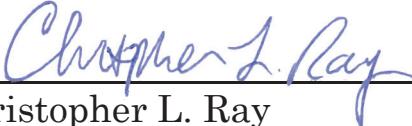
ORDER

Plaintiff Charles A. Willis moves to dismiss his case without prejudice pursuant to Federal Rule of Civil Procedure 41. Doc. 14. The Court construes his filing as the notice of dismissal contemplated by Rule 41(a)(1)(A)(i). No defendant has filed an answer or a motion for summary judgment. *See generally* docket. The Court therefore finds that dismissal is appropriate. Plaintiff's claims are **DISMISSED, without prejudice.**¹ The Clerk is directed to **TERMINATE** all pending motions, docs. 3, 9 & 10, and deadlines and **CLOSE** this case.

¹ Plaintiff consented to plenary disposition of this case by the undersigned United States magistrate judge. *See* doc. 6; *see also* 28 U.S.C. § 636(c).

Meanwhile, it is time for plaintiff to pay his filing fee. PLRA mandates that “the court shall assess and, when funds exist, collect” a partial filing fee for those prisoners who cannot pay the entire fee at one time. 28 U.S.C. § 1915(b)(1). “[T]his is true even if they voluntarily dismiss their cases.” *Copley v. Henderson*, 980 F. Supp. 322, 323 (D. Neb. 1997). Plaintiff’s prisoner trust fund account statement reflects \$0 in average monthly deposits. Doc. 12 at 1. Based upon his furnished information, he owes a \$0 initial partial filing fee. See 28 U.S.C. § 1915(b)(1) (requiring an initial fee assessment “when funds exist”). His custodian shall set aside 20 percent of all future deposits to the account, then forward those funds to the Clerk each time the set aside amount reaches \$10, until the balance of the Court’s \$350 filing fee has been paid in full.²

SO ORDERED, this 3rd day of January, 2022.



Christopher L. Ray
United States Magistrate Judge
Southern District of Georgia

² The Clerk is **DIRECTED** to send this Order to plaintiff’s account custodian. In the event he is transferred to another institution, his present custodian shall forward a copy of this Order and all financial information concerning payment of the filing fee and costs in this case to plaintiff’s new custodian.